IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.18543 of 2006**

DATE OF DECISION: November 23, 2006

RAJ KUMAR AND OTHERS ...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: MR. O.P. SHARMA, ADVOCATE FOR THE PETITIONERS.

ASHUTOSH MOHUNTA, J. (ORAL)

Learned counsel for the petitioners contends that land of the petitioner is situated just outside the *abadi deh* of village Mehanda, Tehsil Hansi and land measuring 7 marlas comprised in khasra No.301 is in his unauthorized occupation. The father of the petitioner has constructed a house over the land over which there is unauthorized occupation. The petitioner filed an application before the Deputy Commissioner, Hisar for allotment of the land which is in his illegal occupation in terms of the policy of the Haryana Government, Annexure P-4. However, vide Annexure P-2, the BDPO, Hansi informed the petitioner that he should get his case prepared as per rules. As per rules, the petitioner is supposed to file an application before the Gram Panchayat, who would, in turn, pass a resolution if the case of the petitioner is found to be genuine. In the present case, the petitioner has not followed this route as prescribed under the rules. However, learned counsel states that the house of the petitioner is going to be demolished on 27.11.2006, and an irreparable loss would be caused to

him as the house has been constructed more than 40 years ago. Counsel for the petitioner submits that now he has filed an application for the Gram Panchayat but no resolution has been passed by the Gram Panchayat.

After hearing learned counsel for the petitioner we dispose of this writ petition with a direction to respondent No.4 to consider the application filed by the petitioner and in case, the case of the petitioner merits consideration then appropriate resolution be passed and sent to the Deputy Commissioner, Hisar. A decision shall be taken by the Gram Panchayat within a period of 2 weeks from the receipt of certified copy of this order.

Till the application of the petitioner is not decided finally, the house of the petitioner shall not be demolished.

(ASHUTOSH MOHUNTA)
JUDGE

November 23, 2006
Gulati

(NIRMAL YADAV)
JUDGE